

REMARKS/ARGUMENTS

This Amendment and Response to the Office Action is submitted in response to the outstanding Office Action mailed February 9, 2005. Claims 1-69 and 71-114 are pending in the above-referenced application. In the Office Action, the Examiner rejected claims 35-53, 62-63, and 67 under 35 U.S.C. § 102(b). The Examiner also rejected claims 54, 56-61, and 65-66 under 35 U.S.C. § 103(a). Claim 55 was objected to as being dependent from rejected base claim and claims 68-69 and 71-73 are allowed.

By this paper, claims 35, 41, 48, 54, and 62 have been amended. Previously withdrawn claims 1-34 and 74-114 have been canceled. In view of these amendments and the following remarks, reconsideration and allowance of claims 35-67 is respectfully requested.

REJECTION OF CLAIMS 35-53, 62-63, AND 67 UNDER 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 35-37, 40-42, and 45-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,378,025 to Szabo (hereinafter, "Szabo"). In the Office Action, the Examiner rejected claims 35-36, 38-53, 62-63, and 67 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,219,188 to Abe et. al. (hereinafter "Abe"). These rejections are respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Independent claims 35, 41, 48, and 62 have been amended to provide “the tube end has a smooth outer surface without annular grooves, annular flanges, or annular beads.” None of the cited references teach a smooth tube end without a protruding feature to be gripped by a retainer.

In the Office Action, the Examiner noted on page 13 that “Szabo, Abe et al., and Zithkowie et al. all disclose tubes with flanges on their ends that are gripped by a retainer.” Because Szabo and Abe do not disclose, teach, or suggest a tube end that has a smooth outer surface without annular grooves, annular flanges, or annular beads that is gripped by a retainer, Szabo and Abe do not anticipate claims 35-53, 62-63, and 67.

Consequently, claims 35, 41, 48, and 62, as amended, and claims 36-40, 42-47, 49-53, 63 and 67 that depend from amended claims 35, 41, 48, and 62, include the “smooth outer surface” claim language. Therefore, Applicants respectfully request withdrawal of this rejection and immediate allowance of claims 35-53, 62-63, and 67.

REJECTION OF CLAIMS 54, 56-61, AND 65-66 UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 54 and 56-61 under 35 U.S.C. §103(a) as being unpatentable over Abe in view of U.S. Patent No. 6,550,815 to Zithkowie et. al. (hereinafter “Zithkowie”). The Examiner rejected claims 65 and 66 under 35 U.S.C. §103(a) as being unpatentable over Abe. To establish *prima facie* obviousness of a claimed invention, all of the claim elements must be taught or suggested by the prior art. *MPEP* §2143.03.

Claims 54 and 62 have been amended to provide “the tube end has a smooth outer surface without annular grooves, annular flanges, or annular beads.” None of the cited references teach a smooth tube end without a protruding feature to be gripped by a retainer.

As noted by the Examiner on page 13 of the Office Action, “Szabo, Abe et al., and Zithkowie et al. all disclose tubes with flanges on their ends that are gripped by a retainer.” Thus, Abe and Zithkowie do not disclose, teach, or suggest a tube end that has a smooth outer surface without annular grooves, annular flanges, or annular beads that is gripped by a retainer. Consequently, a *prima facie* case of obviousness has not been established and claims 54, 56-61, and 65-66 are patentable over Abe and Zithkowie.

Consequently, claims 54 and 62, as amended, and claims 56-61 and 65-66 that depend from amended claims 54 and 62 include the "smooth outer surface" claim language. Therefore, Applicants respectfully request withdrawal of this rejection and immediate allowance of claims 54, 56-61, and 65-66.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner find that issues remain that prevent the allowance of this application, Applicants respectfully request an Advisory Action be issued in accordance with MPEP §706.07(f)(i) and Applicant's proper filing of this response within 2 months of the date of the final Office Action. Additionally, if there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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Date: April 4, 2005

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